

ASSEMBLY BILL

No. 2322

Introduced by Assembly Member Gatto

February 24, 2012

An act to amend Section 123310 of, and to add Section 123311 to, the Health and Safety Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2322, as introduced, Gatto. California Special Supplemental Food Program for Women, Infants, and Children.

Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC), authorizes establishment of a statewide program, administered by the State Department of Public Health, for providing nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at nutritional risk. The program, which implements a program authorized under existing federal law, provides for the redemption of nutrition coupons by recipients at any authorized retail food vendor. Existing law also authorizes the establishment of a program, known as the Farmers Market Nutrition Program, to implement a specified federal law, to provide fresh, high-quality agricultural products to persons who are nutritionally at risk.

This bill would require a WIC-authorized food vendor to be either a farmer participating in the Farmers Market Nutrition Program, or a licensed retail outlet that meets certain food stocking requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 123310 of the Health and Safety Code is amended to read:

123310. The department, under any program established pursuant to this article, shall authorize retail food vendors, *as described in Section 123311*, by written agreement, to accept nutrition coupons and reimbursement according to the system developed by the department. The department shall authorize an appropriate number and distribution of food vendors in order to ensure adequate participant convenience and access and to ensure that state or local officials can effectively manage review of authorized food vendors in their jurisdictions. The department shall establish criteria to limit the number of retail food vendors with which the department enters into agreements. The criteria, at a minimum, shall include:

(a) The prices the vendor charges for foods in relation to other vendors in its peer group. For purposes of this subdivision, “peer group” means a group of vendors with similar characteristics that may include, but shall not be limited to, any or all of the following:

- (1) Geographic location of the store.
 - (2) Store size.
 - (3) Type of store.
 - (4) Number of cash registers.
 - (5) Sales volume relating to any program established pursuant to this article.
 - (6) Gross sales volume.
 - (7) Inventory.
 - (8) Other vendor characteristics established by the department.
- (b) The ability of the department to ensure that authorized supplemental foods will be provided through in-store compliance purchases.
- (c) The adequacy of the shelf stock of the authorized supplemental foods.
- (d) Past performance of the vendor in compliance with this article and with CalFresh.

SEC. 2. Section 123311 is added to the Health and Safety Code, to read:

123311. (a) An authorized food vendor under this article shall be either of the following:

1 (1) A licensed retail outlet that satisfies the minimum food
2 stocking requirements established in departmental regulations.

3 (2) A farmer participating in the Farmers Market Nutrition
4 Program to accept WIC fruit and vegetable checks (FVCs) at an
5 authorized farmers' market.

6 (b) An authorized food vendor described in paragraph (1) of
7 subdivision (a) shall be open at least five days per week. Daily
8 operating hours shall be posted, and shall be consistent from week
9 to week.